

1001 P-4 DPT/PTD 08 NOV 2005

Substitute for Form PTO-1390		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER	
<b>TRANSMITTAL LETTER TO UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>				404-001	
				U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/528,344	
INTERNATIONAL APPLICATION NO. PCT/FR03/02763		INTERNATIONAL FILING DATE September 19, 2003		PRIORITY DATE CLAIMED September 20, 2002	
TITLE OF INVENTION  SYSTEMS FOR EXPRESSING TOXIC PROTEINS, VECTORS AND METHOD OF PRODUCING TOXIC PROTEINS					
APPLICANT(S) FOR DO/EO/US Pierre FALSON, Francois PENIN and Cedric MONTIGNY					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
1. <input type="checkbox"/> This is a <b>FIRST</b> submission to items concerning a filing under 35 U.S.C. 371.					
2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.					
3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (22) indicated below.					
4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).					
5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))					
a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).					
b. <input type="checkbox"/> has been communicated by the International Bureau.					
c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).					
6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))					
a. <input type="checkbox"/> is attached hereto.					
b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).					
7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))					
a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).					
b. <input type="checkbox"/> have been communicated by the International Bureau.					
c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.					
d. <input type="checkbox"/> have not been made and will not be made.					
8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).					
9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).					
10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).					
Items 11 to 21 below concern document(s) or information included:					
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.					
12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.					
13. <input type="checkbox"/> A FIRST preliminary amendment.					
14. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.					
15. <input type="checkbox"/> A substitute specification.					
16. <input type="checkbox"/> A change of power of attorney and/or address letter.					
17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 C.F.R. 1.821 - 1.825.					
18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).					
19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).					
20. <input checked="" type="checkbox"/> Other items or information: <u>Copy of the Notification of Missing Requirements under 35 U.S.C. 371 in the United States</u> <u>Designated/Elected Office (DO/EO/US)</u> _____ _____ _____ _____					

U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/528,344</b>	INTERNATIONAL APPLICATION NO. <b>PCT/FR03/02763</b>	ATTORNEY'S DOCKET NUMBER <b>34404-001</b>
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21. <input type="checkbox"/> Applicant(s) requests that the published application include the following assignment information: <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	<b>CALCULATIONS PTO USE ONLY</b>
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22. ☒ The following fees are submitted:

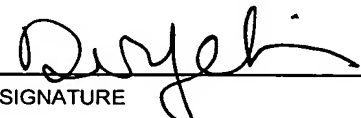
Basic Filing Fee (1631)					
Surcharge of <b>\$130.00 (1617)</b> for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)). <span style="float: right;"><input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30</span>				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total Claims	-20 =	0	X \$50.00 (1615)	\$ 0.00	
Independent Claims	- 3 =	0	X \$200.00 (1614)	\$ 0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360.00 (1616)	
Examination Fee				+ \$200.00 (1633)	
Search Fee				+ \$500.00 (1632)	
App. Size Fee (add \$250.00 for each add'l 50 sheets exceeding 100 sheets)					
TOTAL OF ABOVE CALCULATIONS				\$ 130.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				+ \$ 0.00	
SUBTOTAL =				\$ 130.00	
Processing fee of <b>\$130.00 (1618)</b> for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492(f)). <span style="float: right;"><input type="checkbox"/> 20 <input type="checkbox"/> 30</span>				\$ 0.00	
TOTAL NATIONAL FEE =				\$ 130.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00 (8021)</b> per property +				\$ 40.00	
TOTAL FEES ENCLOSED =				\$ 170.00	
				Amount to be refunded :	
				charged :	

  
a. ☒ A check in the amount of \$ 170.00 to cover the above fees is enclosed.  
b. ☐ Please charge my Deposit Account No. 02-4800 in the amount of \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.  
c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-4800. A duplicate copy of this sheet is enclosed.  
d. ☐ Charge \_\_\_\_\_ to credit card. Form PTO-2038 is attached.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Buchanan Ingersoll PC  
 Including attorneys from Burns, Doane, Swecker & Mathis  
 P.O. Box 1404  
 Alexandria, Virginia 22313-1404  
 (703) 836-6620

  
 SIGNATURE

Deborah H. Yellin

NAME

45,904

November 8, 2005

REGISTRATION NO.

DATE

11/15/2005 GFREY1 00000120 10528344

01 FC:1617 130.00 GF  
 Page 2 of 2

The PTO did not receive the following  
 listed item(s) check for

\$40

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	<b>MAIL STOP SEQUENCE</b>
Pierre Falson et al.	)	
Application No.: 10/528,344	)	Group Art Unit:
Filed: March 18, 2005	)	Examiner: Not Yet Assigned
For: SYSTEMS FOR EXPRESSING TOXIC	)	Confirmation No.: 5049
PROTEINS, VECTORS AND METHOD	)	
OF PRODUCING TOXIC PROTEINS	)	

**SUBMISSION OF DOCUMENTS (SEQUENCE LISTING)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

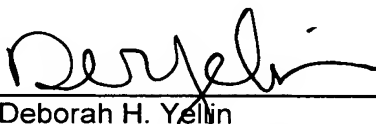
In response to the Notification of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office (DO/EO/US) mailed October 6, 2005, Applicants enclose a Sequence Listing, along with Computer Readable Sequence Listing paper copy and diskette, and Declaration Pursuant to 37 C.F.R. §§ 1.821-1.825 for the above-referenced Application.

If questions arise, the undersigned may be contacted at (703) 836-6620.

No fees are believed necessary. However, in the event fees are required, the Commissioner is hereby authorized to charge the fees to PTO Deposit Account No. 02-4800.

Respectfully submitted,

Date: November 8, 2005

By:   
Deborah H. Yellin  
Registration No. 45,904

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